

## **Meeting Minutes for the BDCP Video Conference Call**

**May 14, 2010**

**By Michael Nepstad, USACE**

David Hayes of DOI was principal speaker at DC

### **Key Points:**

Very Important: This whole conversation topic on the call was started by Rock Salt. The DC folks don't want to hear a year and a half from now that there is something in the HCP that we can't approve. They want to hear it prior to the completion of the draft HCP (this November). This was discussed further after call ended. None of Federal Agencies have any information on the proposed actions, it all coming from DWR. None of Federal Agencies have any capacity to get information from DWR, we are on our own for that. The DC folks (which includes DOI, CEQ, and Rock Salt), perhaps without fully realizing it, are expecting us (we at SPK) to find out all of what the HCP plans to do at a level of detail sufficient to let all know if there are any reasons for denial, and DC folks are expecting this within the next few months at the most. Our silence would be interpreted as "no objections." This would include island flooding, channel reshaping and levee setbacks in the Delta; changes to the Yolo Bypass structures, changes in bypass land management and vegetation, changes in sedimentation in and downstream of the bypass, and timing, duration and depth of inundation of the bypass; the flood flow and navigation impacts of the intakes of the new conveyance; the alignment of the new conveyance including all stockpile, spoil and borrow areas; and the new operations of the CVP/SWP. Presumably this would also apply to the interim actions, for which we have also received no information.

Last Delta Smelt Fall Mid Water Trawl Index (2009)(an important survey for measuring relative abundance of Delta Smelt) was at its lowest level ever.

With regard to the proposed new intakes, NMFS is happy with any location as long as the screens two sided, length of the screen is their primary issue.

Video conferences don't really work, started 15 minutes late, sound terrible for first hour, DC folks unable to see us and powerpoint at same time so we worked off of the paper copies. Picture is not that clear, particularly those sitting at the back of the room.

DC folks want to make the difficult policy decisions early in the process (by November of this year). DC folks envision that after November the BDCP would have only procedural hurdles before it.

### **Other Points:**

Stated a few times that it is important to the Federal Government for the BDCP to be a success.

It was noted that the NRCS/USDA was not part of the steering committee and not cooperating on the EIS. They only agency which signed the MOU which not at the table.

There was Hayes confusion about what the interim operations would be (i.e. how much water do the contractors get after they sign the HCP but before any of the HCP beneficial actions occur), with discussion moving from they'd get more water based on a promise to we'll abide by the science. Difficult to hear full position of Hayes as sound was really bad at this stage of conference. Not resolved and they moved on.

There was mention by Hayes that fishery agencies should figure out how much water the fish and ecosystem need based on best science, and then water left over is what can go down the pipe (i.e., be conveyed to the contractors).

The PRE's anticipate Federal funding, but no idea of how much or for what. Points raised included that the less water the PRE's would receive, the less they will be interested in paying into the HCP and that the HCP has to be assured of full funding in order to be approved. USFWS noted that the PRE's would have to have more responsibility over the HCP than the PRE's would like to have to be consistent with the 5 point policy on HCPs.

Another confused discussion on assurances with Hayes. It was mentioned that the HCP or the section 7 biological opinions to the Federal Agencies could be suspended if the take of the species was found to be resulting in jeopardy. Hayes sees this as an issue to worry about, seemed like he was worried that the contractors wouldn't have iron clad assurances. Not resolved and they moved on.

Hayes – while process is applicant driven, we Federal Agencies should seek to influence applicants to move to a plan which makes sense.

Commented that size of new conveyance, type of new conveyance, and operations of new conveyance still in a state of flux.